

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:) Chapter 11
)
W.R. GRACE & CO., *et al.*,) Case No. 01-1139 (JKF)
) Jointly Administered
Debtors.)
) **Objection Date: August 10, 2012 @ 4:00 p.m.**
) **Hearing Date: August 27, 2012 @ 9:00 a.m.**
) Related Docket Nos.: 6261, 6275 & 6715

In re:) Chapter 11
)
THE FLINTKOTE COMPANY AND) Case No. 04-11300 (JKF)
FLINTKOTE MINES, LIMITED,) Jointly Administered
Debtors.)
) **Objection Date: August 10, 2012 @ 4:00 p.m.**
) **Hearing Date: August 27, 2012 @ 9:00 a.m.**
) Related Docket Nos.: 201, 219, 337 & 957

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:) Chapter 11
PITTSBURGH CORNING) Case No. 00-22876 (JKF)
CORPORATION,)
Debtor.)
-----)
PITTSBURGH CORNING) Doc. No. ____
CORPORATION,)
Movant,)
v.) **Objection Date: August 23, 2012**
NO RESPONDENT(s).) **Hearing Date: September 10, 2012, 1:00**
) Related Doc. Nos. 3527, 3530, 3667 & 4347

In re:) Chapter 11
NORTH AMERICAN REFRACTORIES) Jointly Admin. Case No. 02-20198 (JKF)
CO., INC., et al.,)
Debtor.)
-----)
NORTH AMERICAN REFRACTORIES) Doc. No. ____
CO., INC, et al.,)
Movant,)
v.) **Objection Date: August 23, 2012**
NO RESPONDENT(s).) **Hearing Date: September 10, 2012, 2:00**
) Related Doc. Nos. 2368, 2375, 2515, & 3251

**MODIFIED ORDER REQUIRING FILING
OF STATEMENTS PURSUANT TO FED. R. BANKR. P. 2019**

Upon consideration of the Motion of the Official Committees of Asbestos Personal Injury Claimants (the “Committee”) in the above-captioned cases to Modify the Court’s Orders Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019 (the “**Motion**”), any opposition and reply papers thereto, and in light of the recent revisions to Rule 2019;

IT IS HEREBY:

ORDERED that the orders this Court entered in the above-captioned cases regarding the filing of statements pursuant to Federal Rule of Bankruptcy Procedure 2019 (collectively, the “**Rule 2019 Orders**”),¹ are amended and restated in their entirety by the present Order.

¹ These Rule 2019 Orders are: Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re Pittsburgh Corning Corp.*, Case No. 00-22876 (JFK) (Bankr. W.D. Pa. Aug. 26, 2004) [Dkt. No. 3527]; Amendatory Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re Pittsburgh Corning Corp.*, Case No. 00-22876 (JFK) (Bankr. W.D. Pa. Aug. 27, 2004) [Dkt. No. 3530]; Revised Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re Pittsburgh Corning Corp.*, Case No. 00-22876 (JFK) (Bankr. W.D. Pa. Oct. 22, 2004) [Dkt. No. 3667]; Supplement to Revised Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re Pittsburgh Corning Corp.*, Case No. 00-22876 (JFK) (Bankr. W.D. Pa. June 17, 2005) [Dkt. No. 4347]; Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re The Flintkote Co.*, Case No. 04-11300 (JFK) (Bankr. D. Del. Aug. 26, 2004) [Dkt. No. 201]; Amendatory Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re The Flintkote Co.*, Case No. 04-11300 (JFK) (Bankr. D. Del. Aug. 30, 2004) [Dkt. No. 219]; Revised Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re The Flintkote Co.*, Case No. 04-11300 (JFK) (Bankr. D. Del. Oct. 22, 2004) [Dkt. No. 337]; Supplement to Revised Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re The Flintkote Co.*, Case No. 04-11300 (JFK) (Bankr. D. Del. July 15, 2005) [Dkt. No. 957]; Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re W.R. Grace & Co.*, Case No. 01-1139 (JFK) (Bankr. D. Del. Aug. 26, 2004) [Dkt. No. 6261]; Amendatory Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re W.R. Grace & Co.*, Case No. 01-1139 (JFK) (Bankr. D. Del. Aug. 30, 2004) [Dkt. No. 6275]; Revised Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re W.R. Grace & Co.*, Case No. 01-1139 (JFK) (Bankr. D. Del. Oct. 25, 2004) [Dkt. No. 6715]; Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re N. Am. Refractories Co.*, Case No. 02-20198 (JFK) (Bankr. W.D. Pa. Aug. 26, 2004) [Dkt. No. 2368]; Amendatory Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re N. Am. Refractories Co.*, Case No. 02-20198 (JFK) (Bankr. W.D. Pa. Aug. 27, 2004) [Dkt. No. 2375]; Revised Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re N. Am. Refractories Co.*, Case No. 02-20198 (JFK) (Bankr. W.D. Pa. Oct. 22, 2004) [Dkt. No. 2515]; Supplement to Revised Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re N. Am. Refractories Co.*, Case No. 02-20198 (JFK) (Bankr. W.D. Pa. June 17, 2005) [Dkt. No. 3251]; Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re Global Indus. Techs., Inc.*, Case No. 02-21626 (JFK) (Bankr. W.D. Pa. Aug. 26, 2004) [Dkt. No. 3383]; Amendatory Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re Global Indus. Techs., Inc.*, Case No. 02-21626 (JFK) (Bankr. W.D. Pa. Aug. 27, 2004) [Dkt. No. 3386]; Revised Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019, *In re Global Indus. Techs., Inc.*, Case No. 02-21626 (JFK) (Bankr. W.D. Pa. Oct. 22, 2004) [Dkt. No. 3591]; Supplement to Revised Order Requiring Filing of Statements Pursuant to (Footnote continued on next page.)

It is further **ORDERED** that, within 60 days from the date of this order, except with respect to a committee appointed pursuant to § 1102 or § 1114 of the Bankruptcy Code, any entity or committee representing more than one creditor or equity security holder and any indenture trustee that is required to do so by Fed. R. Bankr. P. 2019 (“Rule 2019”) (as amended effective December 1, 2011)² shall file with the Clerk a statement (a “2019 Statement”) containing the information described below;

It is further **ORDERED** that any such entity or committee that filed a statement pursuant to the previous 2019 order need not file any statement or supplement except as required by Rule 2019.

It is further **ORDERED** that, except with respect to a committee appointed pursuant to § 1102 or § 1114 of the Bankruptcy Code, any entity or committee that represents more than one creditor or equity security holder and any indenture trustee that is required to do so by Rule 2019 shall, within 10 days of taking an action that causes it to be covered by Rule 2019, electronically file with the Clerk a 2019 Statement containing the information described below;

It is further **ORDERED** that the docket entry of the statement that is filed shall state that Exhibits (as described below) have not been scanned into the docket but are available upon motion to and order of the Court. The docket entry shall be in substantially the following format:

Verified Statement Pursuant to Fed. R. Bankr. P. 2019 filed by
[INSERT FILING ENTITY’S NAME]. Exhibits have not been
scanned but may be accessed by parties who obtain a Court order
authorizing access.

(Footnote continued from previous page.)

Fed. R. Bankr. P. 2019, *In re Global Indus. Techs., Inc.*, Case No. 02-21626 (JKF) (Bankr. W.D. Pa. June 17, 2005) [Dkt. No. 4543].

² As used hereinafter, all references to Rule 2019 are to the amended rule now in force.

It is further **ORDERED** that exhibits required to be filed and listed below shall not be electronically filed but shall be submitted to the Clerk on compact disk ("CD") in a sealed 9 x 12 envelope with a copy of the proof of electronic filing taped to the front of the envelope. Two sets of CDs shall be submitted and shall be identified on their faces as "Set 1" and "Set 2" and shall note the ~~date and the~~ name, address, and telephone number of the attorney submitting the disks;

It is further **ORDERED** that the 2019 Statement shall be a verified statement identifying the name and address of the entity filing such statement and that includes the following exhibits:

1. A blank, but unredacted, exemplar or an actual copy, of each form of agreement or instrument, if any, whereby such entity is empowered to act on behalf of creditors or equity security holders in these cases;

2. A Microsoft Excel spreadsheet submitted in Microsoft Excel electronic format (and not in "PDF" or other format) in substantially the form attached hereto as Exhibit A containing the following data:

- a. name of each creditor or equity security holder represented by the entity filing the 2019 Statement;
- b. the personal address of each such creditor or equity security holder;
- c. reserved space for the ~~last four (4) digits of the~~ social security number or other identifier as may be required by a further order of the Court;
- d. identification of the form of exemplar referenced in item #1 above executed by the creditor or equity security holder, and the date such agreement was executed;
- e. the amount of the claim of any creditor if liquidated, and for unliquidated claims, an indication that such claims are unliquidated;

- f. the date of acquisition of the creditor's claim unless such claim was acquired beyond one year prior to the filing of the Debtors' petition for relief;
- g. for personal injury claimants, the type of disease giving rise to the claim; and for all other claimants, the nature of the claim or interest; and
- h. a recital of the pertinent facts and circumstances in connection with the employment of the entity or indenture trustee, and, in the case of a committee, the name or names of the entity or entities at whose instance directly or indirectly the employment was arranged or the committee was organized or agreed to act;

3. With reference to the time of the employment of the entity filing a 2019 Statement, the organization or formation of the committee, or the appearance in the case of any indenture trustee, a statement of:

- a. the amounts of claims or interests owned by the entity, the committee members or the indenture trustee;
- b. the times when acquired;
- c. the amounts paid therefor, and
- d. any sales or other disposition thereof;

It is further **ORDERED** that upon filing a 2019 Statement with the Clerk, each entity filing a 2019 Statement shall electronically file the 2019 Statement without exhibits, and shall provide all exhibits on CD's only to the Clerk and the Clerk shall maintain the exhibits without putting them into the electronic database;

It is further **ORDERED** that each entity filing a 2019 Statement shall serve a copy of the 2019 Statement that includes all exhibits on CD's on the Debtors and the United States Trustee,

who shall keep such exhibits confidential and shall not release the exhibits to any party without further Order of Court;

It is further **ORDERED** that each entity filing a 2019 Statement or a Supplement thereto shall serve a notice of filing a 2019 Statement or Supplement, as the case may be, on all parties on the Official Service List;

It is further **ORDERED** that filing and updating as necessary a 2019 Statement that complies with this Order, as it may be amended from time to time, shall be deemed to be complete compliance with Bankruptcy Rule 2019 for all purposes in these cases;

It is further **ORDERED** that entities shall update or supplement their 2019 Statements, as necessary, every 90 days, covering any material changes of fact occurring up to 30 days prior to such supplemental filing of the 2019 Statement, such update or supplement shall be in the form of an amended and restated 2019 Statement that includes all information from previous 2019 Statements still applicable (including the document number of the previous statement(s)) as well as any new information clearly marked as such; and that any amended and restated 2019 Statement that deletes, supersedes or changes information contained in a prior 2019 Statement shall identify and retain the information that has been deleted, superseded or changed, and upon receipt of a properly filed amended and restated 2019 Statement, the Clerk and the Debtors shall destroy all prior hard copies of such 2019 Statements and exhibits thereto. The Clerk and the Debtors shall maintain copies of only the most current version of any 2019 Statement and the exhibits thereto;

It is further **ORDERED** that any 2019 Statement or amended and restated 2019 Statement not filed in strict compliance with the terms of this Order shall be rejected by the Clerk;

It is further **ORDERED** that the Clerk and the Debtors shall maintain copies of the 2019 Statements and shall make them available for inspection and copying as directed by the Court from time to time;

It is further **ORDERED** that any entity that fails to comply with the terms of this Order may be subject to appropriate sanctions as the Court may determine;

It is further **ORDERED** that when these cases are closed, the Clerk shall archive the 2019 Statements and Supplements with the case files;

It is further **ORDERED** that the Debtors or counsel for the Debtors shall serve a copy of this Order on the Official Service List; on all entities who have entered, or in the future enter, an appearance or have requested, or in the future request, notices in the cases; the United States Trustee; and on persons or entities or any supplemental service lists used to notify attorneys for claimants with asbestos personal injuries or property damage claims, and file a certificate of service with the Clerk of the Bankruptcy Court within ten (10) days hereof.

Date: August 14, 2012



THE HONORABLE JUDITH K. FITZGERALD
UNITED STATES BANKRUPTCY JUDGE

Exhibit A

[illegible]